

In The United States District Court
For The Eastern District Of Texas
Sherman Division

Raymond Washington	\$	Civil No. 4:16cv255
Movant	\$	Criminal No.4:08-cr-00227-RAS-DDB
vs.	\$	
United States Of America	\$	Motion Pursuant to F.R.C.P. 41(g)
Respondent	\$	Motion to Return Property
	\$	
	\$	
	\$	
	\$	

FILED
APR 11 2016

Clerk, U.S. District Court
Texas Eastern

"Factual Allegation"

Raymond Washington (Movant), moves this Court for an order returning Movant property.

On or about December 3, 2008 DFD, FSF agents/TFO's arrested Movant and seized \$4.445.00 (Four Thousand Four Hundred & Forty-Five dollars) in U.S. currency.

On or about December 3, 2008 Movant was charged with Conspiracy to Possess with intent to Distribute Cocaine, count one of a two count indictment.

Movant contends that indictment filed on December 10, 2008 did have notice of intention to seek criminal forfeiture, but failed to mention the Four Thousand Four Hundred & Forty-Five dollars, see Exhibit (A). Indictment filed December 10, 2008.

Movant contends that the \$4.445.00 (Four Thousand Four Hundred & Forty-Five dollars) did exist see Exhibit (B) Drug Enforcement Administration dated December 10, 2008 under Exhibit #113.

Movant judgement in this criminal case did not contain an Order of Forfeiture for this \$4.445.00 (Four Thousand Four Hundred & Forty-Five dollars) of U.S. currency as required by F.R. Crim. P. Rule. 32.2.

"Relief"

Movant prays that this Honorable Court order the return of Movant property, Movant under local Rule's request an Evidentiary Hearing if this motion is opposed by the U.S. Attorney Office.

February
Dated: 2-23, 2016

Respectfully submitted,

Raymond Washington

Raymond Washington

#16089-078

F.C.I. - Ft. Worth

P.O. Box 15330

Ft. Worth, TX 76119

"Certificate of Service"

I, Raymond Washington, do hereby certify that this Motion for Return of Property will be electronically filed with the Clerk of the Court upon receipt by them. All opposing counsel's and members of this Court's e-file CM/ECF system and upon said filing, each will receive an electronic copy.

Raymond Washington

Raymond Washington, Pro. Se

Exhibit (A)

Indictment filed December 10, 2008

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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

DEC 10 2008

DAVID J. MALAND, CLERK

UNITED STATES OF AMERICA

VS.

MARQUIS FEN ROSS (1)

a.k.a. "Mark Ross"

a.k.a. "Marcus Ross"

RICHARD TYRONE PASCOE (2)

a.k.a. "Mississippi"

ELOY FLORES (3)

a.k.a. "Nerd"

RAYMOND WASHINGTON (4)

a.k.a. "Blood"

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§

CAUSE NO. 4:08CR-227

Judge *Sheell*

CLERK

INDICTMENT

The United States Grand Jury charges:

COUNT I

Violation: Title 21 U.S.C. § 846
(Conspiracy to Possess with Intent to
Distribute Cocaine)

That from sometime on or about January 2005, and continuously thereafter up to and
including December 10, 2008, in the Eastern District of Texas and elsewhere,

MARQUIS FEN ROSS
RICHARD TYRONE PASCOE
ELOY FLORES
RAYMOND WASHINGTON

defendants herein, did knowingly and intentionally combine, conspire, and agree with each other,
and with other persons known and unknown to the United States Grand Jury to knowingly and
intentionally possess with the intent to distribute 5 kilograms or more of a mixture or substance
containing a detectable amount of cocaine, a violation of Title 21, United States Code, Section

841(a)(1).

All in violation of Title 21, United States Code, Section 846.

COUNT II

Violation: 18 U.S.C. § 924(c)
(Possession of a Firearm in Furtherance of a
Drug Trafficking Crime)

On or about November 26, 2008, in the ^{Northern} ~~Eastern~~ District of Texas, Defendant **ELOY FLORES**, did knowingly possess a firearm, namely, Springfield Armory Model XD-9, 9 mm semi-automatic handgun, Serial Number US824029, in furtherance of a drug trafficking crime for which he may be prosecuted in a Court of the United States, to wit: the conspiracy to possess with intent to distribute cocaine alleged in Count I of this Indictment, a violation of 21 U.S.C. § 846.

All in violation of Title 18, United States Code, Section 924(c).

NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE
Criminal Forfeiture Pursuant to 21 U.S.C. § 853

As a result of committing the foregoing offenses charged in this Indictment, all Defendants herein used or intended to use, the below described property to commit or facilitate the said controlled substance violation and the below described property is derived from proceeds obtained directly or indirectly as a result of the commission of the aforesaid violations of 21 U.S.C. 846, including but not limited to:

\$45,520.00 in U.S. currency seized from **MARQUIS FEN ROSS**;

2004 Feightliner Haulmark RV White, VIN 1FVAA6CV84LM42402 seized from **MARQUIS FEN ROSS**;

1991 Silver Chevrolet Pick Up, Texas license plate 5GJ-N62, seized from **MARQUIS FEN ROSS**;

1999 GMC Sierra Pickup Truck, VIN 2GTEC19T8X1534166, Texas license plate 69D-MZ6, seized from **ELOY FLORES**;

Chevy Camaro, VIN JH2HE0104WK700871, seized from **MARQUIS FEN ROSS**;

2007 Pace American Double Deck Trailer, VIN 4FPWB26357G121877, seized from **MARQUIS FEN ROSS**;

2008 Kawasaki Golf Cart-Black, seized from **MARQUIS FEN ROSS**;

Misc. Mechanics Tools, seized from **MARQUIS FEN ROSS**;

Honda ATV, seized from **MARQUIS FEN ROSS**.

SUBSTITUTE ASSETS -

If any of the above-described forfeitable property, as a result of any act or omission of

Defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) to seek forfeiture of any other property of said Defendant(s) up to the value of the forfeitable property described above.

By virtue of the commission of the felony offenses charged in this Indictment by defendants, any and all interest they have in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 21 U.S.C. § 853.

A TRUE BILL



FOREMAN OF THE GRAND JURY

Exhibit (B)

Drug Enforcement Administration dated
December 10, 2008 under exhibit #113

Date Prepared: 12-10-2008		2. Case No: [REDACTED]		3. File Title: [REDACTED]		4. Where obtained (Country, City, State) Dallas, Texas	
Date Taken into DEA Custody: 12-09-2008		6. Group No: FSF		7. Program Code:		8. GDEP No: [REDACTED]	
9. Type: <input checked="" type="checkbox"/> Evidence <input type="checkbox"/> Forfeiture <input type="checkbox"/> Transfer in from Another Agency/DEA Office <input type="checkbox"/> Temporary Custody <input type="checkbox"/> Safekeeping <input type="checkbox"/> Transfer to Another Agency/DEA Office				10. Type: <input type="checkbox"/> Cash or other Monetary <input type="checkbox"/> Recovered Official Advanced Funds, OAF <input type="checkbox"/> Property * <input checked="" type="checkbox"/> Title III-Related <input checked="" type="checkbox"/> Other (Specify) <u>Forfeiture Deposit Slip</u>			

☒ Other (Specify) Forfeiture Depos

Hazardous materials, including weapons, must be rendered safe or sanitized prior to submitting to Evidence Custodian. (See AM 6681).

If seized for forfeiture and held as evidence or for sale:

☐ If seized for forfeiture and held as evidence or for safekeeping, was a SSF prepared?

☐ No. Explain:

Exhibit #	13. Name and Description of Articles	14. Appraised Valuation or Cash Amount
113	Is a deposit receipt and Brink's Cash Logistics Pick List for the deposit to the United States Marshalls Service for \$4,445.00 in USC.	0.00

If stolen, enter the following information:					
of NCIC Check:	If stolen, provide NCIC#:	Serial Number:	Make:	Model:	Caliber:

of Firearms Trace (Attach results to this document.):

If none, explain:

licable, date of Ballistics Check (Attach results to this document):

EMARKS:

2-3-08, DFD FSF Agent's/TFO's arrested Raymond WASHINGTON in Arlington, TX. Subsequently, agents and s located an undetermined amount of US currency on WASHINGTON's person. WASHINGTON immediately erated with agents and provided his key card to Rm# 225 at the nearby La Quinta Inn. At the room S/A er found and secured an undetermined amount of USC (N-112). S/A D. Gardner as witnessed by G/S D. fro secured the USC into the DFD overnight currency vault. On 12-9-08, S/A Gardner & S/A K. White, ported the seized USC to Brink's where it was counted and deposited into the USMS Asset Forfeiture . Brinks employees provided SA Gardner a Brink's Cash Logistics "Pick List" as well as a Deposit Slip . USC (N-113) which S/A Gardner secured. On 12-10-08, SA Gardner as witnessed by G/S Rentfro essed N-113 for evidence. On the date of the receipt report in section #20 of the DEA-7A, S/A Gardner rferred N-113 to the DFD Non-Drug Evidence Custodian for safekeeping.

type/Print Name of Special Agent/Task Force Officer/Diversion Investigator:
Gardner, S/A

18a. Type/Print Name of Supervisor:

Signature and Date:

18b Signature and Date:

EVIDENCE CUSTODIAN RECEIPT REPORT

Received from:

int Name:

Gardner, S/A

by:

int Name;

Entered into ENEDS/CERTS: 10/01/01

17a (02/07) (Previous editions are obsolete)

United States District Clerk's Office
Eastern District Of Texas
7940 Preston Rd., Room #210
Plano, Texas 75024

February 23, 2016

RECEIVED

Re: Motion Pursuant to F.R.C.P. 41(g)
Motion to Return Property

APR 11 2016

Clerk, U.S. District Court
Texas Eastern

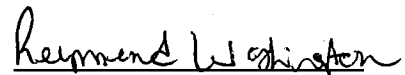
Dear Clerk;

Enclosed is the above reference, could this Motion be brought to the Courts attention, as soon as practical.

Enclosed is a self-addressed stamped envelope for the return of said motion showing it has been filed and placed on docket.

Thank you for your time and consideration regarding this matter.

Respectfully submitted,



Raymond Washington

#16089-078

F.C.I. - Ft. Worth

P.O. Box 15330

Ft. Worth, TX 76119